IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE EIGHTH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE SRI DEVINDER GUPTA,THE CHIEF JUSTICE

and
THE HON'BLE MR JUSTICE C.V.RAMULU

WRIT PETITION NO : 18140 of 2004

Between:

1 Mohd Maqdoom Patel, S/o Mohd Hameed Ali,
r/o H. No. 15-6-214, Begum Bazar Hyderabad
2 Syed Anwar, S/o Syed Afzal,
R/o H. No. 15-7-409, Begum bazar, Hyderabad

..... PETITIONERS

AND

1 A.P. Wakf Board rep by Chief Executive Officer, having Office at Razzak Manzil, Nampally Road, Hyderabad
2 Raoof Ali Khan, S/o Late Sri Alam Ali Khan
r/o near Pathar Ki Masjid Chanchalguda, Hyderabad
3 Zahid Ali Khan S/o late Sri Alam Ali Khan,
R/o Near Pathar Ki Masjid, Chanchalguda, Hyderabad
4 Rafath Ali Khan S/o late Sri Alam Ali Khan
R/o Near Pathar Ki Masjid, Chanchalguda, Hyderabad

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to pass an order, direction or a Writ particularly in the nature of Writ of Mandamus directing the respondent No.1 not to allow the Respondents 2 to 4 to convert the Masjid Alam Khan, situated at Begum Bezar, Opp Mitti Ka She, Hyderabad into a commercial complex at ground floor completely without leaving prayer portion as per its proceedings No. 20/N1/Hyd/04, dated 7-8-2004 in case of violation of the conditions of the said proceedings appropriate legal action be taken against the respondents 2 to 4.

Counsel for the Petitioners:MR.MOHD.MOIN AHMED QUADRI
Counsel for the Respondents: MR.A.M.QURESHI (SC FOR AP WAKF BOARD)

The Court made the following Oral Order: (per Sri Devinder Gupta, CJ)

The present writ petition filed as Public Interest Litigation by the petitioners questioning the proceedings of the Wakf Board, dated 07-08-2004, granting permission for construction of Mosque and shops as per the plan submitted by the Muthawallies of Masjid-e-Alam Khan Mehedvi Mohsills, Secunder Bazaar, Near Begum Bazaar Hyderabad, is only misconceived.

Muthawallies did apply for extension of Mosque and for construction of shops since accommodation was not found to be sufficient for general public to attend five times prayers and also to augment the income of the mosque since there was no source to fetch any income for maintenance of the Mosque. The matter was examined by the Wakf Board and reference was also made to the Government. Since it is a policy decision, even the Wakf Board thought that no such permission could be accorded except on obtaining No Objection Certificate from the Government. Government granted its approval and the Wakf Board, thereafter examined the issue and granted permission for construction of mosque and shops as per the plan submitted by the Muthawallies, subject to conditions.

No arbitrariness is pointed out in the decision of the Wakf Board. Hence, the writ petition is dismissed. No costs.

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DEVINDER GUPTA, CJ

Dated:08-10-2004

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C.V.RAMULU,J

Pnb/gj

To

1 A.P. Wakf Board rep by Chief Executive Officer, having Office at Razzak Manzil, Nampally Road, Hyderabad

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5 Two C.D. copies.